



# Department of Justice

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## **ARIZONA CONSTRUCTION COMPANY EXECUTIVE AGREES TO PLEAD GUILTY TO FALSE STATEMENT CHARGE**

WASHINGTON — A Mesa, Ariz. construction company executive has agreed to plead guilty for submitting a false reference on a federal construction contract, the Department of Justice announced today.

In a felony case filed today in U.S. District Court in Arizona, Kevin Tosh, of Auburn, Pa., was charged with falsely representing his company's prior work experience when he submitted a bid to the U.S. Coast Guard's Civil Engineering Unit. Tosh, as vice president of the Chicataw Construction Inc., submitted a bid for the renovation of a building in Portsmouth, Va. in which he falsely represented that the company had performed a prior fire sprinkler retrofit project, when it had not. The bid was submitted on July 23, 2001, to the Coast Guard's Cleveland offices.

"Those who attempt to undermine the government procurement process by filing intentionally false statements in order to obtain government contracts will be held accountable for their actions," said Scott D. Hammond, Deputy Assistant Attorney General for Criminal Enforcement of the Department's Antitrust Division.

Under the plea agreement, which must be approved by the court, Tosh has agreed to pay a \$5,000 criminal fine and faces up to six months in jail. In addition, Tosh has agreed to assist the government in its ongoing investigation.

The maximum penalty for an individual convicted of making false statements is five years imprisonment or a fine of \$250,000 or both.

Today's charge resulted from the Antitrust Division's ongoing investigation of bidding practices for federal construction contracts being conducted by its National Criminal Enforcement Section in conjunction with the Department of Homeland Security Office of the Inspector General, the Department of Defense's Criminal Investigative Service, the Department of Agriculture Office of the Inspector General, the Small Business Organization Office of the Inspector General and the Department of the Interior Office of the Inspector General.

Anyone with information concerning price fixing or other anticompetitive conduct in federal construction contracts should contact the National Criminal Enforcement Division at 202-307-5784.

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